

Department of Public Safety - Commonwealth of Massachusetts  
One Ashburton Place – Boston – MA 02108  
Board of Elevator Regulations – Hearings  
Minutes – October 19, 2010 – 1:00PM

**PRESENT:**

John Caughey, Chairman	Gene Piermattei, Secretary – Designee	Michael J. Nocoloro, Jr., Member
John Otis, Member	Sandra Pickering, Dept of Safety, Admin Assist.	Deborah Ho, Dept of Safety, Admin Assist.

**GUEST**

Brook Porter – Street & Company, Manager – 61 Mt Vernon Street – Boston, MA 02115

James Riley, City Elevator Company – 185 Essex Street – Melrose, MA 02176

Robert A. Maiocco, Project Manager – Stanley Elevator – 9 Henry Clay Drive – Merrimack, NH 03054

Raphael Esterson, Executive Director, Keshet School – 22 Kent Street – Somerville, MA

Don Millis, Architect, Mills Whitaker Architects - Arlington MA 02475

**ABSENT/EXCUSED:**

Martin McKown, Member	John O'Donoghue, Member	Kevin McGettigan, Member
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- I. Meeting called to order – John Caughey, Chair – introductions of the board members -Gene Piermattei, Secretary –  
Reciting the General Laws –

II.

**1:00PM – 61 Mt Vernon Street – Boston, MA**

John Caughey stated – to Brook Porter that the board does not have a quorum, therefore, the board is unable to vote on the petition case – Mr. Porter has the right to return with a quorum if desired - although, the board is able to hear the case if Mr. Porter so desired.

Gene Piremattie, Secretary – stated – a petition has been filed by Mr. Brook Porter – Building Manager of 61 Mt. Vernon Street – Boston, MA – for a installation – the petitioner is requesting a variance - reciting the General Laws of the petition – Chapter 143 - 524 CMR- Section 17.02- provisions of Chapter 30A the State Administrative Procedures Act – ask Mr. Porter whether a Elevator permit has been applied for; petitioner has stated that a permit has been applied for. - Elevator Inspector for the record is Marybeth DeWalt –

The petitioner has the right to have legal counsel present; if so desired – Gene has ask if those whom are not a member of the Bar to please raise right hands - petitioner states that he does not request for legal counsel; raising his right hand – along with James Riley, of City Elevator Company – Gene reciting the oath to both Brook Porter/James Riley – giving the testimonies that will be the truth – nothing but the truth – both Brook Porter/James Riley stated yes.

John Caughey has asked both Brook Porter/James Riley for an introduction and their positions – a series of pictures are distributed to the members of the board – stating that the elevator company has been unable to complete work requested by the Massachusetts State Elevator Inspectors – Mr. Porter explains where exactly where ladder is pertaining to two (2)

building 61 Mt. Vernon Street, Boston - 63 Mt. Vernon Street, Boston the angles of the roof – birdcage around the step ladder is needed – will need to bolt the birdcage on the property wall of 63 Mt. Vernon Street, Boston – difficult owners – has been difficult to complete their pointing brick project – took two (2) years to complete – discussed the footage of the ladders – describes the roof top areas and the vicinity of an outside deck.

John Otis stated – the type of roofing – rubber? – Site safety conditions in inclement weather – very dangerous if the Elevator Company needs gain entry to the roof. Mr. Riley stated that the Governor is on the top and the machine room is in the basement – not really hazardous – can work around the top - suggestions made by board members that a railing should be install on the roof for the safety of anyone needed to gain access to the roof – Mr. Riley stated that if the railing is seen from a distance which would be Pinckney Street – would need to present to many neighborhood groups and that it might not be approved by the various groups. Etc, Historical Commission – Beacon Hill Association. John Otis asked why would the various groups have issues – this would be a safety concern – Gene Piermattei agrees and stresses a railing should be installed for safety purposes. The Board members has recommended that a mat be installed for the safety and that there are new requirements by the State of Massachusetts moving forward. Mr. Riley does indeed agree with both board members.

Gene Piermattei motioned, although, a vote is not Gene will recommend the item be abated – will write a letter to be abated – when will it get tested; Sandy Pickering stated it should be on the November schedule for inspection - she will abate and the Inspectors will not have to look at this item.

Gene has stated again that a black treaded mat be installed – very simple just use cement glue to the roof. Mr. Riley will comply. Gene stated that he will check with legal counsel whether or not a vote will be necessary.

#### **Motion to abate requirement for cage around the ladder to Sheave Room**

Motioned by: Gene Piermattei

Seconded by: Michael Nocoloro, Jr.

### **III. 1:20PM - Lynn Community Health – 268 Union Street – Lynn, MA**

John Caughey stated the address of petitioner – Gene Piermattie, Secretary, and a petition has been requested for a variance - reciting the General Laws of the petition – Chapter 143 524 CMR- provisions of Chapter 30A the State Administrative Procedure Act – a permit has not been applied for. The petitioner has the right to have legal counsel present; if so desired – Gene has ask if those whom are not a member of the Bar to please raise right hands - petitioner states that he does not request for legal counsel; raising his right hand - Gene reciting the oath to Robert Maiocco – giving the testimonies that will be the truth – nothing but the truth – Mr. Maiocco – Lynn Community Health Center – 268 Union Street, Lynn, MA would like a variance to 524 CMR – Mr. Maiocco stated to install a new Thyssen crop 85S Represents the maximum feet of travel - the S represents the Conway on the sides –capacity is 3500 at 150 - this new crop has some plastic roping, although, we would not use it instead will use all steel roping this – presently the property does not me the codes of 6mm governor ropes and 8mm – as of July 2010, a new assembly public new ruling 817.6 and will adopt a ruling 817.1- sighting new publishing - there is a new type of material “Synenergy” has plastic in the material of which will not be used – Mr. Maiocco stated that they will be using 8mm steel material – the hoist beam is about 1’ and 18” which is also requesting a third (3<sup>rd</sup>) variance in part of the changing to use six (6) 8mm all steel hoist rope - John Caughey stated several models by Thyssen – LMH – the 85S is the H –

**Questions** are being ask by John Otis/ Gene Piermattei - regarding the rope sizes – is it an existing room – **whether the material has been approved** - why **is the 8mm being replace by the 9.5mm – the bolts are they bolted up under the machine or welded – bolts might become fatigue – tension horizontally - has there been an engineering study– who accepted the new design – has it been published yet – is an existing room**

Mr. Maiocco stated that they will be using 8mm steel roping – the bolts are bolted not welded – has not be published yet – it is a brand new project and the installation will begin at the first of the New Year 2011 – the material has not been release as of it- brand new room – machine is in the overhead – the control room is at bottom floor.

The Board of Regulation has not adopted the new design – the board would like to take a look at the installed

John Caughey states for the record, the Synenergy rope had been approved by the board, although, it is still pending an approval by the board.

John Otis has asked about the ropes where clarification on the ropes on the petition – clarification has been made  
**Gene Piermattei has concerns of the designs and small ropes – break in strength of the capacity - ropes that might not support the elevator – some ropes might have various weights - dependent on the of all ropes be equalized – having one (1) rope will not support the elevator and load and after a while if the rope breaks then all will break and down comes the elevator – for this type of designs – ask the capacity which is 9700 – full load is 11,900**

Gene has listened too many of the same arguments even though it has been approved. With the many ropes being approved, Gene still has many concerns – if tested all day long, it still can snap at anytime – asked whether or not the material is still completely made of steel – Mr. Maiocco stated it is all still steel

Otis – reduction in size in ropes now and has asked for the size of the rope to be used for this variance 1/8? 3/8 to 15/16<sup>th</sup> – questions and issues have been stated by Gene and John Otis; Gene asked about the ropes; what if the ropes slides; there is no gravity that will hold it in place – Mr. Maiocco does not presently have an answer but will on the next meeting. This will be the 1<sup>st</sup> for Massachusetts to have this installed - A request to place variance on hold for further information and quorum.

**Motioned to place Variance on Hold**

Motioned by: John Otis

Seconded by: Michael Nocoloro, Jr.

**IV. 1:40PM - North Shore Community College - 1 Ferncroft Road- Danvers MA**

John Caughey – stated Mr. Maiocco is still sworn in – continuing from being sworn in on previous petition – Mr. Maiocco acknowledges

Mr. Maiocco state that the North Shore Community College has contacted Stanley Elevator for the purpose of MRL which Hollister Whitney is the manufacture – which meets all in section 1301- 524 CMR – ropes are 3/8 – governors ropes are 3/8 – no rope issue – all parts are available - there is a slight clearance issue at the machine – an access door is needed on the backside –

John Caughey has asked if there has been an approval on the design – guideline by MRL Code – are they standardized ropes from Hollister Whitney - Mr. Maiocco stated yes. John Otis asked what Mr. Maiocco is looking for – response is clearance – and that this variance is in accordance of section 1301 – 524 CMR.

Gene Piermattei asked the location of the access door – Mr. Maiocco stated that the door is in the hallway going towards the Restroom – will have a doubled door – out of traffic – no bodily required – clearly marked Elevator Hoistway John Caughey asked who is the manufacture of the control – response was Galaxin – Gen asked if there has been any issues with their product – there have been issues with fires previously with Galaxin – Mr. Maiocco stated there are no issues previously – Gene Piermattei has requested a motion be grant – no quorum – will motion to grant a variance provided an electrical contact put on the access door – door needs to be clearly marked “Elevator Hoistway”

**Motion to grant Variance**

Motioned by: Gene Piremattei

Seconded by: Michael Nocoloro, Jr.

**V. 2:00PM - Keshet, Inc. - After Hour School – 22 Kent Street – Somerville, MA**

John Caughey introducing Raphael Esterson - stated the address of petitioner – Gene Piermattie, Secretary, and a petition has been requested for a variance - reciting the General Laws of the petition – Chapter 143 524 CMR- provisions of Chapter 70A - The petitioner has the right to have legal counsel present; if so desired – Gene has ask if those whom are not a member of the Bar to please raise right hands - petitioner states that he does not request for legal counsel; raising his right hand - Gene reciting the oath to Raphael Esterson – this petitioner is requesting a variance for an installation at 22 Kent Street – Somerville, MA – with provision of A17.1 1996 code – wheelchair lift - the State Administrative Procedure Act chapter 30A – Gene has asked whether a permit has been applied for - Raphael Esterson stated that a permit has not been applied for - John Caughey stated that this is a public hearing – Mr. Esterson stated he is the Executive Director of Keshet an After Hour School for school age students – Mr. Esterson distributes a packet plans to the board – discussion of the packet – the packet consists of the architectural drawing of where the wheelchair lift is to be installed – The school would like to request a variance for the purpose of installing a wheelchair lift at the entrance of the building – presently the height is

27inches above grade level. John Otis asked if this lift will be accessed from the 1<sup>st</sup> or 2<sup>nd</sup> floor – new or just a renovation The renovation will consist of lowering the entire slab going down 27inches left front entrance to provide the direct access for the wheelchair lift – John Caughey asked if the designs have been presented to the Architectural Access Board – Mr. Esterson stated that he has only spoken to the AAB and that the designs have not been shown. Gene Piermattei asked Mr. Esterson if he has spoken to John Hopkins – Mr. Esterson stated that he spoke to someone not sure if it was Mr. Hopkins, but they said it was ok – the state regulation for wheelchair lift is 12ft and the national code is 14ft. Gene stated that he has spoken to John Hopkins and Mr. Hopkins stated the he did not remember the case – John Otis asked if the 2<sup>nd</sup> flr going to be affected – Mr. Esterson stated that the construction will be more on the 1<sup>st</sup> flr – Gene has made a suggestion to Mr. Esterson go to room 1310 and speak/show the designs to Mr. Hopkins, although the Board of Regulations might be able to grant the variance, it might not be acceptable to the AAB. Asked how many students - about 60-70 – Mr. Otis has also asked that the wheelchair lift should only be used for the wheelchair – stated that there is no riding with anyone person standing up and that when the lift is in usage, that there is a wheelchair on the lift when in motioned. Gene stated that there have been recommendations to have a wheelchair on sight – Mr. Otis gave an example if a person has a broken leg, how would that person get up to the building; having a wheelchair on sight is a way to avoid any problems – Mr. Esterson stated that he had not encountered the problem – Mr. Otis stated that Mr. Esterson never even thought of that – again, it is just a suggestion to have a wheelchair on hand.

**Motioned to grant the variance**

Motioned by: Gene Piermattei

Seconded by: Michael Nocoloro, Jr.

**VI. 2:20PM - Mills Whitaker Architects – for Stonehill Property – 11 Robert Treat Plain Dr. – Waltham, MA**

John Caughey introducing Don Mills - stated the address of petitioner – Gene Piermattie, Secretary, and a petition has been requested for a variance - reciting the General Laws of the petition – Chapter 143 - 524 CMR- provisions of Chapter 70A - The petitioner has the right to have legal counsel present; if so desired – Gene has ask if those whom are not a member of the Bar to please raise right hands - petitioner states that he does not request for legal counsel; raising his right hand - Gene reciting the oath Don Mills, Architect of Mills Whitaker Associates – this petitioner is requesting a variance for an installation – wheelchair lift - Provisions A 17.1 code 1996 Gene has asked if a permit had been applied for – Mr. Mills stated not – John Caughey, Chair introduces the Peitioner - and that the board does not have a quorum, although the case will be heard. Mr. Mills is describing the Stonehill property – which he stated that it is an historic property – regain access - a elevator was install back in 1910 – shows the pictures of where the elevator is located is has a small hoistway and has been decommissioned for many years – it's a two (2) story elevator – would like a install a wheelchair lift. As of yesterday, the AAB has approve for a variance for additional 2inches that is needed – Massachusetts is limited to 12ft – the confinement of the historic part will need to state in place – the hoist way will be near the linen closet as shown in the pictures – John Otis has asked the vicinity of the linen closet and hoist way. John Otis – will the hoist way take more space from the linen closet – do not need to remove the linen closet – 2<sup>nd</sup> close to the public – they would like vertical access- a wheelchair will need to be on hand at sight.

**Motion to grant variance for 12ft 2inches rise for new wheelchair lift**

Motioned by: Michael Nocoloro, Jr.

Seconded by: John Otis

Meeting Adjourned: 2:45PM

Submitted by: Deborah Ho  
October 25, 2010

